

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7510 of 2006()

CC.1414/1998 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONER

K.A.NIZAR, S/O. K.K.ABDUL KARIM,
H.NO.29/1505 A, KADAPURATHU HOUSE,
VYTTILA, COCHIN-19.

BY ADV. SRI.P.VIJAYAKUMAR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SHAJI KURIAN,
FORMER OFFICE MANAGER,
ST. MARY'S FINANCE LIMITED (UNDER LIQUIDATION),
MULLASSERY CANAL ROAD, KOCHI-11.
3. ST. MARY'S FINANCE LIMITED,
REPRESENTED BY OFFICIAL LIQUIDATOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7510 of 2006

DATED: December 13, 2006

ORDER

Petitioner who is the sole accused in C.C. No. 1414/98 on the file of the Chief Judl. Magistrate's Court, Ernakulam for an offence punishable under SEc. 138 of the N.I. Act, 1881 in respect of a cheque for an amount of Rs. 1,23,000/-, seeks anticipatory bail.

2. Consequent on the alleged non-appearance of the petitioner before the trial court, non-bailable warrant of arrest are pending against the petitioner. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. It is for the petitioner to seek regular bail after surrendering before the concerned Magistrate's Court. Accordingly, if the petitioner surrenders before the magistrate court and files an application for regular bail within 10 days from today the same shall be considered and disposed of preferably on the same day on which it is filed after examining the petitioner's grievance that he was not served with summons in the case.

With the above observation this application is dismissed.

Sd/- V.RAMKUMAR,
JUDGE.

/true copy/

P.A. to Judge+